



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

AVESF
8.3.1

CONFIDENTIAL

November 19, 2007

(b) (5)



1341160





Chain of Title**Shoshone County Parcel 45N05E-15-3100 (Bentcik property)**

Legal Description: That portion of Government lots 3 & 4, Section 15, Township 45 N. Range 5 East, B.M. lying south of Chicago, Milwaukee, St. Paul Railroad right-of-way and North of St. Joe River.

Document/Date	Grantor	Grantee	Notes
Decree Quieting Title to Real Property 373797 8/19/1996	Harold E. Theriault, deceased; Causetta Posey, deceased	Lawrence R. Bentcik and Ethel M. Bentcik,	That portion of Government lots 3 & 4, Section 15, Township 45 N.

² Ibid, page 65

³ Ibid, page 66

⁴ Potlatch Corp. 104(e) response, page 2.

		husband & wife	Range 5 East, <i>lying south</i> of Chicago, Milwaukee, St. Paul Railroad right-of-way and <i>North of St. Joe River</i> .
Quit Claim Deed 365647 1/17/1995	David Theriault	Lawrence R. Bencik and Ethel M. Bencik	That portion of Government lots 3 & 4, Section 15, Township 45 N. Range 5 East, <i>lying south</i> of the Highway right-of-way
Quit Claim Deed 331211 12/9/1987	Edwards Investments, an Idaho Partnership and Edwards Investments, a General Partnership	Edwards Forest Industries, Inc.	Portions of Government Lots 1, 2, 3, and 4 Section 15, Township 45N Range 5E <i>lying north</i> of Grantee's railroad right-of-way
Quit Claim Deed 320828 11/18/1985	Richard B. Ogilvie, as Trustee of property of Chicago, Milwaukee, St. Paul and Pacific Railroad	John O. Edwards and Dorothy Edwards, nominees for Edwards Investments, an Idaho Partnership	Portions of Government Lots 1, 2, 3, and 4 Section 15, Township 45N Range 5E <i>lying north</i> of Grantee's railroad right-of-way
Quit Claim Deed 286664 6/3/1980	Richard B. Ogilvie, as Trustee of property of Chicago, Milwaukee, St. Paul and Pacific Railroad	Potlatch Corporation	Except portions of Government Lots 3 & 4 <i>lying northerly</i> of line running east to west between 45 and 100 feet north of the main track centerline (paraphrased)
Quit Claim Deed 245009 3/1/1973	Michael Rae Moore and Dorothy Moore	Harold E. Theriault	Portion <i>north</i> of railroad right-of-way
Quit Claim 243758 11/13/1972	Harold E. Theriault	Michael Rae Moore & Dorothy Moore	Portion <i>north</i> of railroad right-of-way

Shoshone County Parcel: 45N05E-16-2000 (The Potlatch Lumber Company)

This property is

Document/Date	Grantor	Grantee	Notes
Bargain and Sale Deed 428582 January 19, 2006	Potlatch Corporation	Potlatch Forest Products Corp.	
Quit Claim Deed 148758 June 3, 1980	Richard Ogilvie, Trustee for the Chicago, Milwaukee, St. Paul and Pacific Railroad (RR)	Potlatch Corp.	

(are these the same)

Quit Claim Deed 286664 June 3, 1980	Richard Ogilvie, Trustee for the Chicago, Milwaukee, St. Paul and Pacific Railroad (RR)	Potlatch Corp.	RR was in bankruptcy
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This is a description of the property: " *That a certain main line right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad extending south and west toward St. Maries, Idaho from the west line of Section 11, ...identified as Avery terminus and terminating at...identified as St Maries terminus....EXCEPT that portion of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's property in Government Lots 1 through 4 in Section ...lying northerly of the following described line...thence continuing westerly parallel to and 100 feet northerly, as measured at right angles to the said main track centerline, to appoint the west line of Government Lot 4, said section 15 and begin the point of ending...*"

Creation of Forest Highway 50

On June 20, 1986, in U.S. District Court a Judgment on Declaration of Takings and Order for Delivery of Possession was issued between the U.S. and the Potlatch Corporation and the heirs of Mary D. Theriault and Edward I. Theriault, *et al* and others. The taking created Forest Highway Route 50 between Avery and St. Maries, Idaho and covered numerous parcels.

Parcel No. 19 of this document covers Lots 4, 3, 2, and 1 of Section 15, covering a "strip of land variable in width on each side of the centerline of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company's main track...{on the right side of the centerline} Beginning at a point on the west boundary of said Lot 4, which point is 50 feet right of approximate centerline Station 669+82; thence parallel to the above described centerline to a point 50 feet right of Station 677+41; then to a point on the ordinary high water line on the north bank of the St. Joe River..."

The road was paved in approximately 1991. In 1992, the Federal Highway Administration conveyed an easement through the property to Shoshone County for the operation and maintenance of highway.

